

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ANTONIO MONDACA,

Defendant.

Case No. 2:21-CR-0130-TOR

STIPULATED PROTECTIVE
ORDER REGARDING
IDENTIFICATION OF MINOR
VICTIMS PURSUANT TO
18 U.S.C. § 3509

BEFORE THE COURT is the parties' Stipulated Motion for Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509. ECF No. 28. The motion was submitted for hearing without oral argument. Having reviewed the record and the files therein, the Court is fully informed.

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby ORDERS that the Stipulation for Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509 filed by the parties is GRANTED.

1. IT IS FURTHER ORDERED that the privacy protection measures mandated by 18 U.S.C. § 3509(d), which apply when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case.

1 2. IT IS FURTHER ORDERED that all persons acting in this case in a
2 capacity described in 18 U.S.C. § 3509(d)(1)(B), shall:

- 3 a. Keep all documents that disclose the names, identities, or any
4 other information concerning minors in a secure place to which
5 no person who does not have reason to know their contents has
6 access;
- 7 b. Disclose such documents or the information in them that
8 concerns minors only to persons who, by reason of their
9 participation in the proceeding, have reason to know such
10 information;
- 11 c. Not permit Defendant himself to review discovery outside the
12 presence of defense counsel or a defense investigator;
- 13 d. Not permit Defendant to keep discovery in his own possession
14 outside the presence of defense counsel or a defense
15 investigator; and
- 16 e. Not permit Defendant to keep, copy, or record the identities of
17 any minor or victim identified in discovery in this case.
18

19 3. IT IS FURTHER ORDERED that all papers to be filed in Court that
20 disclose the names or any other information identifying or concerning minors shall
21 be filed under seal without necessity of obtaining a Court order, and that the person
22 who makes the filing shall submit to the Clerk of the Court:

- 23 a. The complete paper to be kept under seal; and
- 24 b. The paper with the portions of it that disclose the names or
25 other information identifying or concerning children redacted,
26 to be placed in the public record.
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28

1 4. IT IS FURTHER ORDERED that the parties and the witnesses shall
2 not disclose minors' identities during any proceedings connected with this case.
3 The parties and witnesses will refer to alleged minor victims only by using agreed-
4 upon initials or pseudonyms (e.g., "Minor Victim 1"), rather than their bona fide
5 names, in motions practice, opening statements, during the presentation of
6 evidence, in closing arguments, and during sentencing.

7 5. IT IS FURTHER ORDERED that the government may produce
8 discovery to the defense that discloses the identity and images of alleged minor
9 victims in this case, in order to comply with the government's discovery
10 obligations. Defendant, the defense team, Defendant's attorneys and investigators,
11 and all of their externs, employees, and/or staff members, shall keep this
12 information confidential as set forth above.


13 6. IT IS FURTHER ORDERED that this ORDER shall apply to any
14 attorneys who subsequently become counsel of record, without the need to renew
15 or alter the ORDER.

16 7. IT IS FURTHER ORDERED that this ORDER shall apply to the
17 personal identifying information and images of any minors who are identified over
18 the course of the case, whether or not such minors are known to the government
19 and/or Defendant at the time the ORDER is entered by the Court.

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21 IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to
22 counsel.

23 Dated October 25, 2021.




THOMAS O. RICE
United States District Judge